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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,834	11/04/2003	Steve Anspach	ANSPACH	5571

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EXAMINER
LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
2132	

MAIL DATE	DELIVERY MODE
10/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/699,834	ANSPACH, STEVE
	Examiner	**Art Unit**	
	Samson B. Lemma	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*17 September 2007*</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-27* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-27* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   The request filed September 17, 2007 for a request for continued examination

(RCE) under 37 CFR 1.114 based on patent application 10/699,834 is

acceptable and an RCE has been established. Every Independent **claims 1, 12,**

and 24 has been amended. **Claims 1-27** are pending/examined.

Priority

2.   This application claims priority of a provisional application, application No.

60/502,660 filed on September 15,2003. Therefore, the effective filling data for

the subject matter defined in the pending claims of this application is

09/15/2003.

Response to Arguments

3.   Applicant's remarks/arguments filed on September 17, 2007, have been

fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or
described as set forth in section 102 of this title, if the differences between the
subject matter sought to be patented and the prior art are such that the subject
matter as a whole would have been obvious at the time the invention was made to a
person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 1-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over an

article published on IEEE, on 2000 with the title "Global broadcast service (GBS)

end-to-end services; protocols and encapsulation", written by Michael

DiFrancisco (Hereinafter referred as **Francisco**) in view of Watson et al

(hereinafter referred as **Watson**) (U.S. Publication No. 2003/0121047 A1)

(filed on December 20, 2001)

Examiner has pointed out particular references contained in the prior arts of

record in the body of this action for the convenience of the applicant. Although

the specified citations are representative of the teachings in the art and are

applied to the specific limitations within the individual claim, other passages

and figures may apply as well. Applicant should consider the entire prior art as

applicable as to the limitations of the claims. It is respectfully requested from

the applicant, in preparing the response, to consider fully the entire references

as potentially teaching all or part of the claimed invention, as well as the context

of the passage as taught by the prior arts or disclosed by the examiner

6.   **As per independent claims 1, 12 and 24 Francisco discloses** a method of

cloaking an encrypted serial data stream, [See page 705, 2.1.2, "Serial stream service"]

(on page 705, paragraph 2.1.2, the transmission of serial data stream encrypted with a

standard Type I serial encryptor, has been disclosed.) comprising:

•   **Encapsulating a serial data stream of encrypted data into IP packets**

[See page 705, see paragraph 2.1.2, "Serial stream service" and on page 707, see

paragraph 3.0, "transmit suite data protocols and encapsulation] *(On page 705,*

*paragraph 2.1.2, the transmission of serial data stream **encrypted with a***

standard Type I serial encryptor before or prior to entering the GBS

***system** has been disclosed., And after entering the GBS, as it has been disclosed*

on page 709, paragraph 5.0, the GBS system offers a variety of information

services. To integrate these different services into a common data format suitable

*for broadcasting a series of **encapsulation process is applied**. And on page 707*

and paragraph 3.0, it has been disclosed that the unclassified store and forward and streaming IP services, available via IP network connections **are encapsulated in TCP/IP** *and MPE prior to the MPEG2/DVB encapsulation.]*

- **Transmitting said IP packets of encrypted serial data on a public IP network** [See, page 704, "figure 1, Network Streaming services, "Internet service" and see also on page 706, paragraph 2.3 and on paragraph 2.31, see, the last paragraph] *(For instance on page 706, paragraph 2.3, it has been disclosed that GBS provides classified and unclassified streaming IP services. The COP and IP multicast Services provide the ability to stream certain source data through an* **IP Network** *to the GBS system and then to GBS end Users.* **The internet/**Public IP network service/AKA Asynchronous Networking or Split-IP *provides a wide-bandwidth one-way data path over the satellite. This path is combined with an IP-network reach-back channel/RBC to provide GBS customers with increased bandwidth for downloading through the network connection.)*

Francisco does not explicitly disclose the limitation recited as *"encapsulating a serial data stream of encrypted data into Internet Protocol (IP) packets;"*

However, in the same field of endeavor Watson on paragraph 0022, referring to figure 1 and 2 discloses that at figure 2, step 220, content is queued at content media server 120c. Content media server 120c, shows on figure 1 aggregates the content to be transmitted and formats the content for the selected transmission network. Formatting content for transmission over the selected network involves choosing a means **to encapsulate** the content for the selected network topology while addressing security as well as other factors. For example, a movie file stored in MPEG format may be packaged for DTH satellite broadcast by encapsulating the file in a DVB compliant spooler file which may

then be routed through a transport multiplexor that applies real-time broadcast conditional access. **Packaging for transmission over a broadband network such as a DSL network may include encapsulation into a TCP/IP packet stream which is encrypted and copy-protected and routed through a secure ATM switch fabric to the viewer device using secure sockets. And this meets the limitation recited as** *"encapsulating a serial data stream of encrypted data into Internet Protocol (IP) packets."*

Furthermore on the same paragraph **0022, referring to figure 1 and 2, Watson discloses that** once the content has been formatted, content media server 120c/ shown on figure 1 transmits **the resulting data stream to the appropriate transmission network.** At step 222, a notification of the transmission characteristics of the content is transmitted from content decision server 120b to viewer device 101 over broadband network 122. Transmission characteristics of the content may include, for example, the time of transmission, the selected transmission network, network specific information such as the DTH transponder frequency and polarity, stream ID's and encryption/decryption codes, or any other information helpful or necessary for transmission.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the feature of *encapsulating a serial data stream of encrypted data into Internet Protocol (IP) packets* as per teachings of Watson into the method as taught by **Francisco** for the purpose packaging packet stream for transmission over a broadband network such as DSL network .*[See Watson, the same paragraph 0022.]*

7.   <u>**As per claims 2 and 13 the combination of Francisco and Watson**</u> **discloses a method as applied to claims above. Furthermore, <u>Francisco</u> discloses the**

method wherein: said public network is an Internet. [See, page 704, "figure 1,

Network Streaming services, "Internet service" and see also on page 706, paragraph 2.3

and on paragraph 2.31, see, the last paragraph] *(For instance on page 706, paragraph*

2.3, it has been disclosed that GBS provides classified and unclassified streaming IP

services. The COP and IP multicast Services provide the ability to stream certain source

data through an IP Network to the GBS system and then to GBS end Users. The

***internet**/Public IP network service/AKA Asynchronous Networking or Split-IP provides a*

wide-bandwidth one-way data path over the satellite. This path is combined with an IP-

network reach-back channel/RBC to provide GBS customers with increased bandwidth

for downloading through the network connection.)

8.   As per claims 3, 14, 23 and 25 the combination of Francisco and Watson

discloses a method as applied to claims above. Furthermore, Francisco discloses

the method wherein said IP packets are transmitted via an ISDN router. *[See on*

page 706, paragraph 2.3.1, second paragraph, see, the "RS router"] (the IP routing is

accomplished using the EIGRP protocol for interior gateway routing and the Border

Gateway protocol-4 BGB-4 as the exterior gateway protocol. The local RS router with have

a BGP session...)

9.   As per claims 4 and 15 the combination of Francisco and Watson discloses

a method as applied to claims above. Furthermore, Francisco discloses the

method wherein said IP packets are transmitted over a satellite terminal. [on Page

706, paragraph 2.3] *(**The internet**/Public IP network service/AKA Asynchronous*

Networking or Split-IP provides a wide-bandwidth one-way data path over the satellite.)

10.   As per claims 5-7 ,16-18 and 26 the combination of Francisco and Watson

discloses a method as applied to claims above. Furthermore, Francisco discloses

the method, further comprising: encrypting data using a Type 1 encryption unit.

[page 705, paragraph 2.1.2] *(On page 705, paragraph 2.1.2, the transmission of serial*

*data stream **encrypted with a standard Type I serial encryptor before or prior to entering the GBS system** has been disclosed.*

11. **As per claims 8 and 19 the combination of Francisco and Watson discloses a method as applied to claims above. Furthermore, <u>Francisco</u> discloses the method, wherein said serial data stream of encrypted data comprises: Voice over IP (VOIP) data.** [See on page 706, paragraph 2.3.2, last line, "streaming content/ audio stream")

12. **As per claims 9 and 20 the combination of Francisco and Watson discloses a method as applied to claims above. Furthermore, <u>Francisco</u> discloses the method, wherein: said serial data stream is a synchronous serial data stream.** *[See page 705, paragraph 2.1.2, see "synchronous")*

13. **As per claims 10-11, 21-22 and 27 the combination of Francisco and Watson discloses a method as applied to claims above. Furthermore, <u>Francisco</u> discloses the method, wherein: said synchronous serial data stream is an RS-530 data stream.** *[See page 705, paragraph 2.1.2, see "RS-530")*

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.(See PTO-Form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax

phone number for the organization where this application or proceeding is assigned

is 703-873-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

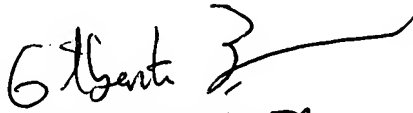information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA
S.L.
09/27/2007

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